

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES S. ROBINSON,
Plaintiff,

vs.

OHIO DEPARTMENT OF
CORRECTIONS-LUCASVILLE, et al.,
Defendants.

Case No. 1:10-cv-895
Spiegel, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

On January 16, 2013, the Court issued an order denying plaintiff's motion for a 60-day extension of time to respond to defendants' motion for summary judgment and granting plaintiff 14 days from the date of the Court's order to file a response to defendants' motion. (Doc. 51). On January 28, 2013, the order that had been mailed to plaintiff was returned to the Clerk by the United States Postal Service marked "RTS - Paroled" and "Return to Sender - Refused - Unable to Forward." (Doc. 52). On February 4, 2013, the Court issued an order to plaintiff to show cause in writing, within 15 days of the Court's order, why this case should not be dismissed for failure to obey a Court order requiring plaintiff to inform the Court promptly of any changes in his address during the pendency of this lawsuit (*see* Doc. 10) and for lack of prosecution. (Doc. 53). The copy of the order that had been mailed to plaintiff was returned to the Court marked "Return to Sender - Refused - Unable to Forward." (Doc. 54). Plaintiff has not responded to the Show Cause Order to date.

Plaintiff's failure to obey a Court order and to file a response to defendants' motion warrants dismissal of this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. *See Jourdan v. Jabe*, 951 F.2d 108, 109-10 (6th Cir. 1991). District courts have this power to dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the

orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan*, 951 F.2d at 109.

IT IS THEREFORE RECOMMENDED that plaintiff's case be **DISMISSED** with prejudice for lack of prosecution and this matter be terminated on the docket of the Court.

Date: 2/25/13


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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C. Date of Delivery

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